

RE 38,506

06-29-06

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Attorney Docket No. 27499-502 REI

Date of Deposit: June 27, 2006



#1568

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue No. : RE38,506 E Reissued : April 20, 2004
Patent No. : 5,369,108 Issued : November 29, 1994
Application No. : 10/004,411 Conf. No. : 7609
Applicants : **BRESLOW, et al.** Examiner : Covington, Raymond K.
For : **POTENT INDUCERS OF TERMINAL DIFFERENTIATION
AND METHODS OF USE THEREOF**

ATTENTION: CERTIFICATE OF CORRECTION BRANCH

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Certificate
JUL 05 2006
of CorrectionTRANSMITTAL LETTER

Transmitted herewith for filing in the present patent are the following documents:

1. Request for Certificate of Correction for Letters Patent (1 page);
2. Exhibit A in support of Request for Certificate of Correction (10 pages);
3. Form PTO/SB/44 for Certificates of Correction, in duplicate (2 sheets); and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York.

No fees are believed due in connection with this submission, however, the Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311; Reference No. 27499-502 REI; Customer No. 35437. A duplicate copy of this Transmittal Letter is provided for this purpose.

Respectfully submitted,

Date: June 27, 2006

Ivor R. Elrifi, Reg. No. 39,529

Caryn DeHoratius, Reg. No. 45,881

Attorneys for Applicants

MINTZ, LEVIN, COHN, FERRIS, et al.

666 Third Avenue, 24th Floor

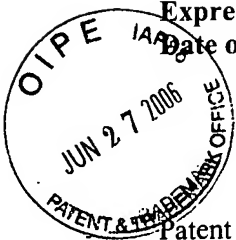
New York, New York 10017

Telephone: (212) 935-3000

Fax: (212) 983-3115

JUL 07 2006

Date of Deposit: June 27, 2006



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P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR §1.322

The patentees of the above-identified reissued patent, through its attorney, hereby request issuance of a Certificate of Correction. A certificate is required to correct a typographical error made by the Patent Office in the claims, as follows:

In claim 5, column 36, line 58, "metylcyno" should read -- methylcyano --.


It is respectfully requested that a Certificate of Correction be issued to correct the error in the specification. Enclosed herewith are two copies of a proposed Certificate of Correction indicating the error and correction thereof. Also enclosed as Exhibit A is a copy of the Preliminary Amendment made in this case, showing the correct recitation of "methylcyano".

No fees are believed due in connection with this submission, however, the Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. 50-0311; Reference No. 27499-502 REI; Customer No. 35437.

A duplicate copy of this Request is provided for this purpose.

Respectfully submitted,

Date: June 27, 2006


Ivor R. Elrifi, Reg. No. 39,529
Caryn DeHoratius, Reg. No. 45,881
Attorneys for Applicants
MINTZ, LEVIN, COHN, FERRIS, et al.
666 Third Avenue, 24th Floor
New York, New York 10017
Telephone: (212) 935-3000
Fax: (212) 983-3115

JUL 07 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.: RE38,506 E

App. No: 10/004 411

REISSUED: APRIL 20, 2004

INVENTOR(S): BRESLOW et al.

It is certified that an error appears in the above-identified reissued patent and that said Letters Patent is hereby corrected as shown below:

In claim 5, column 36, line 58, "metylcyno" should read -- methylcyano --.



MAILING ADDRESS OF SENDER:

Ivor R. Elrifi, Reg. No. 39,529
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
666 Third Avenue, 24th Floor
New York, New York 10017

PATENT NO.: RE38,506 E

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : RE 38,506 E
APPLICATION NO. : 10/004411
DATED : April 20, 2004
INVENTOR(S) : Breslow et al.

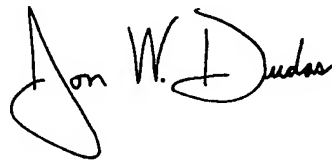
Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 5, column 36, line 58, "metylcyno" should read -- methylcyano --.

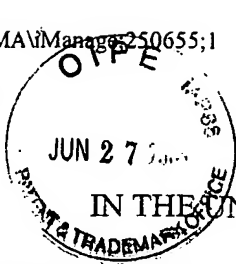
Signed and Sealed this

Twenty-ninth Day of August, 2006

A handwritten signature in black ink, reading "Jon W. Dudas". The signature is stylized, with a large loop for the "J" and a cursive "Dudas".

JON W. DUDAS
Director of the United States Patent and Trademark Office

November 2, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ronald Breslow, Paul A. Marks, Richard A. Rifkind, and Branko Jursic

Reissue Application of U.S. Patent No.: 5,369,108

Issue Date: November 29, 1994

For: POTENT INDUCERS OF TERMINAL DIFFERENTIATION
AND METHODS OF USE THEREOF

Date: 11/2/01

EXPRESS MAIL LABEL NO. EV 044389584 US

PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.173

Box REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

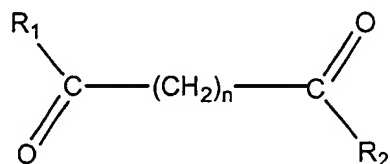
This Preliminary Amendment is submitted as part of the above-referenced Reissue Application. Amendments to the claims are made in accordance with to 37 C.F.R. §§ 1.173(b)(2) and 1.173(d)(2). The requisite fees are being filed concurrently.

Please amend the application as shown below:

In the Claims:

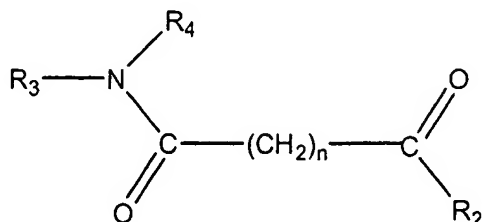
Please amend the claims as shown below:

1. (Amended) A compound having the structure:



wherein [each of R_1 and R_2 are independently the same as or different from each other; when] R_1 and R_2 are the same[,each is] and are a substituted or unsubstituted [cycloalkylamino, pyridineamino, piperidino, 9-purine-6-amine, or] thiazoleamino group; [when R_1 and R_2 are different, $\text{R}_1 = \text{R}_3 - \text{N} - \text{R}_4$, wherein each of R_3 and R_4 are independently the same as or different from each other and are a hydrogen atom, a hydroxyl group, a substituted or unsubstituted, branched or unbranched alkyl, alkenyl, cycloalkyl, aryl, alkyloxy, aryloxy, arylalkyloxy, or pyridine group, or R_3 and R_4 bond together to form a piperidine group, and R_2 is a hydroxylamino, hydroxyl, amino, alkylamino, or alkyloxy group;] and n is an integer from about 4 to about 8.

2. (Amended) A compound [of claim 1] having the structure:



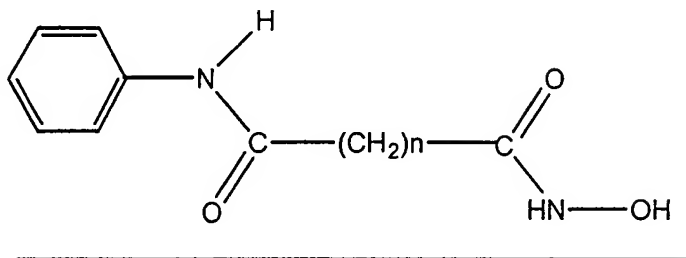
wherein each of R_3 and R_4 are independently the same as or different from each other and are a hydrogen atom, a hydroxyl group, a substituted or unsubstituted, branched or unbranched alkyl, alkenyl, cycloalkyl, aryl, alkyloxy, aryloxy, arylalkyloxy, or pyridine group, or R_3 and R_4 bond together to form a piperidine group; R_2 is a hydroxylamino[, hydroxyl, amino, alkylamino, or alkyloxy] group; [and] n is an integer from [about 4] 5 to about 8; and R_3 -N- R_4 and R_2 are different.

3. (Amended) A compound of claim 2, wherein [R_2 is a hydroxylamino, hydroxyl, amino, methylamino, or methoxy group and] n is 6.
5. (Amended) A compound of claim 4, wherein the phenyl group is substituted with a methyl, cyano, nitro, trifluoromethyl, amino, aminocarbonyl, methylcyano, chloro, fluoro, bromo, iodo, 2,3-difluoro, 2,4-difluoro, 2,5-difluoro, 3,4-difluoro, 3,5-difluoro, 2,6-difluoro, 1,2,3-trifluoro, 2,3,6-trifluoro, 2,4,6-trifluoro, 3,4,5-trifluoro, 2,3,5,6-tetrafluoro, 2,3,4,5,6-pentafluoro, azido, hexyl, t-butyl, phenyl, carboxyl, hydroxyl, [methoxy] methoxy, phenyloxy, benzyloxy, phenylaminooxy, phenylaminocarbonyl, [methoxycarbonyl] methoxycarbonyl, methylaminocarbonyl, dimethylamino, dimethylaminocarbonyl, or hydroxylaminocarbonyl group.
7. (Amended) A compound of claim 3, wherein R_4 is a hydrogen atom and R_3 is a [methoxy] methoxy group.
11. (Amended) A compound of claim [3] 2, wherein R_4 is a hydrogen atom and R_3 is a [δ -pyridine] γ -pyridine group.
12. (Amended) A compound of claim [3] 2, wherein R_4 is a hydrogen atom and R_3 is a β -pyridine group.

13. (Amended) A compound of claim [3] 2, wherein R_4 is a hydrogen atom and R_3 is a α -pyridine group.

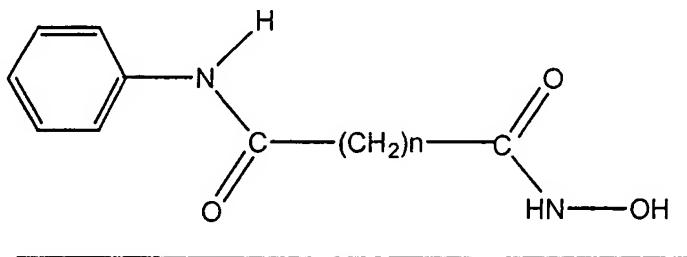
Please add Claims 18-29.

18. A compound having the structure:



wherein n is an integer from 5 to about 8.

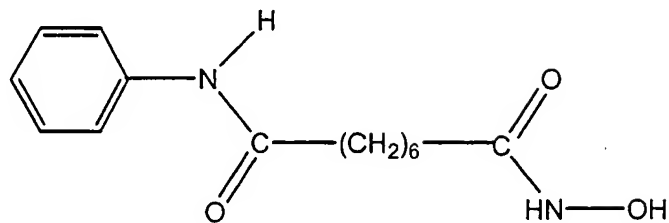
19. A pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure:



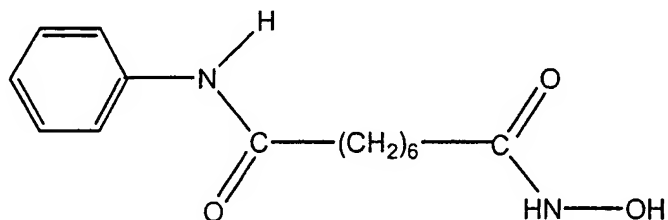
wherein n is an integer from 5 to about 8;

and a pharmaceutically acceptable carrier.

20. A compound having the structure:

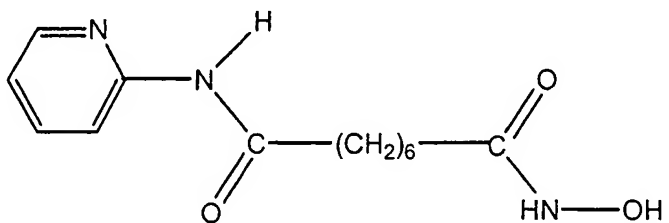


21. A pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure:

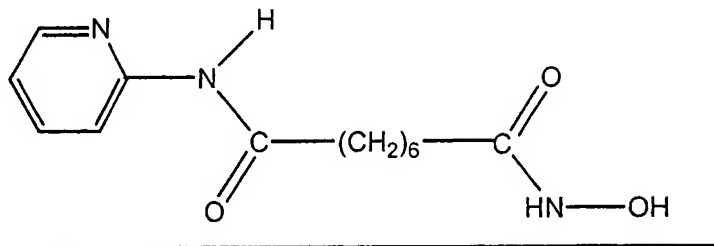


and a pharmaceutically acceptable carrier.

22. A compound having the structure:

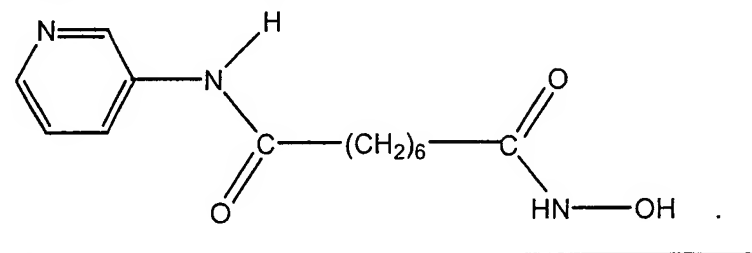


23. A pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure:

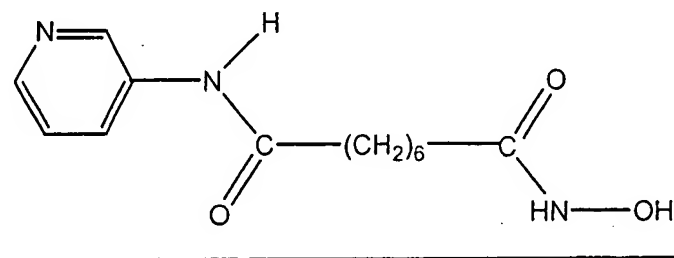


and a pharmaceutically acceptable carrier.

24. A compound having the structure:

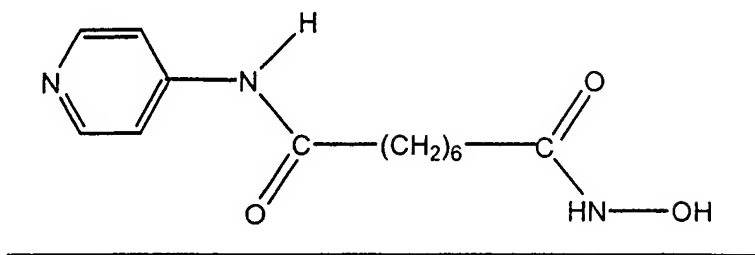


25. A pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure:

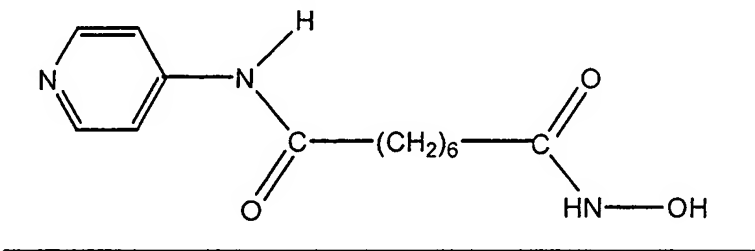


and a pharmaceutically acceptable carrier.

26. A compound having the structure:

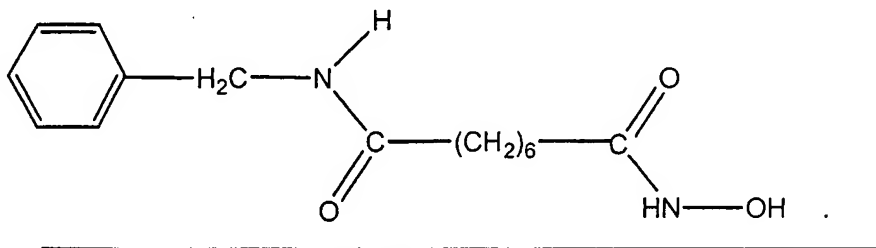


27. A pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure:



and a pharmaceutically acceptable carrier.

28. A compound having the structure:



the structure set forth in the claim, wherein n is from 5 to about 8. Support for Claim 18 can be found, for example, in Table 1 as Entries 2-5. Claim 19 is directed to a pharmaceutical composition comprising a therapeutically effective amount of a compound having the structure set forth in the claim wherein n is from 5 to about 8. Support for Claim 19 can be found, for example, in Table 1 as Entries 2-5 and in the specification at Col. 6, lines 28-31.

Newly added independent Claim 20 is directed to the compound set forth as Entry 3 in Table 1. As such, support for newly added Claim 20 can be found in Table 1 and also at Col. 26, lines 50-68. Newly added independent Claim 21 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound set forth as Entry 3 in Table 1 and a pharmaceutically acceptable carrier. As such, support for newly added Claim 21 can be found in Table 1, at Col. 6, lines 28-31 and at Col. 26, lines 50-68 of the specification.

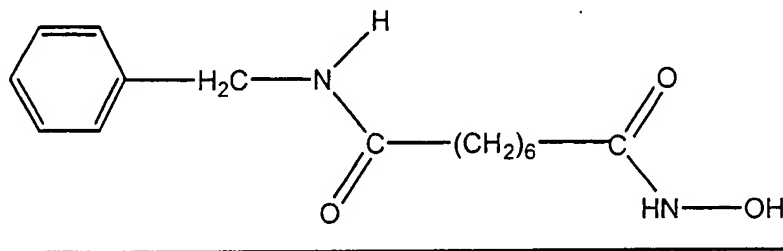
Newly added independent Claim 22 is directed a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino group, n is 6, R_3 is a γ -pyridine group and R_4 is hydrogen. Support for newly added Claim 22 can be found, *inter alia*, in originally issued Claim 11 and in the structures at Col. 17, lines 55-62 and Col. 18, lines 25-33. Newly added independent Claim 23 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound described above with regard to Claim 22 and a pharmaceutically acceptable carrier. Support for newly added Claim 23 can be found, *inter alia*, in originally issued Claim 11, and in the structures at Col. 17, lines 55-62 and at Col. 18, lines 25-33, and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 24 is directed to a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino group, n is 6, R_3 is β -pyridine group and R_4 is hydrogen. Support for newly added Claim 24 can be found, *inter alia*, in originally issued Claim 12. Newly added independent Claim 25 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound described above with regard to Claim 24, and a pharmaceutically acceptable carrier. Support for newly added Claim 25 can be found, *inter alia*, in originally issued Claim 12 and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 26 is directed to a compound of the general formula set forth, for example, at Col. 6, line 60 and up of the specification, wherein R_2 is a hydroxylamino



29. A pharmaceutical composition comprising a compound having the structure:



and a pharmaceutically acceptable carrier.

REMARKS

Claim 1 has been amended to recite that R_1 and R_2 of the structure set forth in the claim are the same and are a substituted or unsubstituted thiazoleamino group. Support for this amendment can be found, *inter alia*, in the originally issued claims and at Col. 7, lines 40-52 of the specification.

Claim 2 has been amended to be in independent form and to recite that R_2 is a hydroxylamino group and is different from R_3-N-R_4 as shown in the formula. In addition, the definition of n has been amended to recite that n is an integer from 5 to about 8. Support for these amendments can be found, *inter alia*, in the originally issued claims, at Col. 2, line 65-Col. 3, line 6, at Col. 6, line 59-Col. 7, line 7 and in Table 1, as Entries 2-5 of Column "CPD".

Claim 3 has been amended to further define the integer n as 6. Support for this amendment can be found in originally issued Claim 3 and throughout the specification.

Claims 5 and 7 have been amended to correct obvious typographical errors. Support for this amendment can be found, for example, in Table 1, Entries 51-53 and in the art.

Claims 11, 12 and 13 have been amended to depend from Claim 2 rather than Claim 3. In addition, Claim 11 has been amended to designate the pyridine as a gamma pyridine, γ -pyridine, rather than a delta pyridine, δ -pyridine. This is an obvious error, as δ -pyridine cannot be a substituent. Support for this amendment can be found in the structures at Col. 17, lines 55-62 and Col. 18, lines 25-33.

Claims 18-29 are newly added. These claims have been added to more specifically claim particular compounds set forth in the specification. Claim 18 is directed to the compositions of

group, n is 6, R₃ is α -pyridine group and R₄ is hydrogen. Support for newly added Claim 24 can be found, *inter alia*, in originally issued Claim 13. Newly added independent Claim 27 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound described above with regard to Claim 26 and a pharmaceutically acceptable carrier. Support for newly added Claim 27 can be found, *inter alia*, in originally issued Claim 13 and at Col. 6, lines 28-31 of the specification.

Newly added independent Claim 28 is directed to the compound set forth as Entry 19 in Table 1. As such, support for newly added Claim 28 can be found in Table 1. Newly added independent Claim 29 is directed to a pharmaceutical composition comprising a therapeutically effective amount of the compound set forth as Entry 19 in Table 1 and a pharmaceutically acceptable carrier. As such, support for newly added Claim 29 can be found in Table 1 and at Col. 6, lines 28-31 of the specification.

In accordance with 37 C.F.R. 1.173 (3)(c), a separate paper containing the status of all claims, as of the date of this Amendment, and an explanation of the support for the changes, as found in the disclosure of the patent for which a Reissue is sought, is being filed concurrently.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira
Susan M. Abelleira
Registration No. 42,252
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: November 02, 2001

JUL 07 2000